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OFFICE OF PETITIONS

In re Application of :
KEIL, et al. :
Application No.: 10/635,387 :
Filed: August 06, 2003 :
Atty's Docket No.: B01.005/U :
Title: SYSTEM TO QUANTIFY :
CONSUMER PREFERENCES :

DECISION ON PETITION UNDER
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 16, 2005, to revive the above-entitled application.

The petition is **DISMISSED** without prejudice.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the "Notice To File Missing Parts Of Nonprovisional Application" mailed February 11, 2004, which set a period of reply of two (2) months. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on April 11, 2004.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

The present petition fails to satisfy item (3) above; that is, it fails to include the required statement of unintentional delay. While the petition form submitted by applicants includes the statement "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," this statement is executed by only one of the applicants. This statement must be signed by either all the applicants or by a registered patent attorney or patent agent acting on behalf of all the applicants

(see 37 CFR 1.33(b)). Until a properly executed statement of unintentional delay is submitted, item (3) of a grantable petition cannot be considered satisfied.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
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By facsimile: (571) 273-0025
Attn: Office Of Petitions

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401 Dulany Street
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Telephone inquiries concerning this decision should be directed to Richard M. Ross at (571) 272-3296 or, in his absence, the undersigned at (571) 272-3217.

Francis Hicks Jr.
Brian Hearn
Petitions Examiner
Office Of Petitions